

Patent Application No. 09/821,168

**REMARKS**

This Amendment is in response to the Office Action dated August 18, 2004. In the Office Action, claims 1, 10 and 12 were rejected under 35 USC §112, and claims 1-12 were rejected under 35 USC §102. By this Amendment, claims 1, 10 and 12 are amended and claims 13-15 are added. Currently pending claims 1-15 are believed allowable, with claims 1, 10 and 12 being independent claims.

CLAIM REJECTIONS UNDER 35 USC §112:

Claims 1, 10 and 12 were rejected under 35 USC §112 because the term "the modified mobile agent" contained therein lacked antecedent basis. Office Action, paragraph 3. Claims 1, 10 and 12 are amended to recite "a modified mobile agent", thereby overcoming the §112 claim rejections.

Claim 12 is also amended herein to correct a minor spelling error of the word "traveling".

The Applicant notes that amendments to claims 1, 10 and 12 are not made to overcome teachings in the cited documents or for reasons of patentability.

CLAIM REJECTIONS UNDER 35 USC §102:

Claims 1-12 were rejected as anticipated under 35 USC §102 by U.S. Patent No. 6,272,341 to Threadgill et al. ("Threadgill").

To anticipate a claim under 35 USC §102, a reference must teach every element of the claim. MPEP 2131. In the absence of an express intent to impart a novel meaning to the claim terms, the words are presumed to take on the ordinary and customary meanings attributed to them by those of ordinary skill in the art. MPEP 2111.01 citing *Brookhill-Wilk 1, LLC v. Intuitive Surgical, Inc.*, 334 F.3d 1294, 1298 67 USPQ2d 1132, 1136 (Fed. Cir. 2003). Thus, the Applicants can act as their own lexicographers and define in the claims what they regard as their invention essentially in whatever terms they choose so long as any special meaning assigned to a term is clearly set forth in the specification. MPEP 2173.01

Claim 1 recites, in part, a "mobile agent" that travels through a network of computers and is executed in a sequence of stages. Application, claim 1. A mobile agent is expressly defined in the specification as a computer program that acts autonomously on behalf of an agent owner or user

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and that travels through a network of a number of computers. Application, page 3, lines 13-14.

In rejecting claim 1, the Examiner argues that Threadgill teaches a mobile agent that travels through a network of a number of computers, wherein the mobile agent is executed in a sequence of stages. Office Action, paragraph 6. Specifically, the Examiner indicates that Fig. 1 and the Abstract of Threadgill teaches a mobile agent as recited in claim 1. Office Action, paragraph 6.

Fig. 1 of Threadgill pictures a telephone device inside a car, airplane and/or ship and includes the caption "MOBILE USERS (MTS)". Threadgill, Fig. 1. It is clear from the figure and its accompanying description that this device is a mobile telephone capable of satellite communications. Threadgill, Fig. 1 and col. 1, line 28 - col. 2, line 15. Fig. 1 does not contain the term "mobile agent" or depict a computer program that acts autonomously on behalf of an agent owner or user and that travels through a network of a number of computers.

The Abstract of Threadgill discusses a mobile satellite system that includes a network engineering/systems engineering system. Threadgill, Abstract, lines 1-2. The Abstract never mentions the term "mobile agent" or in any way describes a computer program that acts autonomously on behalf of an agent owner or user and that travels through a network of a number of computers.

The Applicant respectfully disagrees with the Examiner's conclusions that Threadgill teaches a mobile agent that travels through a network of a number of computers, wherein the mobile agent is executed in a sequence of stages. For at least the reasons set forth above, the Applicant submits that Threadgill does not teach or suggest an element analogous to the mobile agent recited in claim 1.

Claim 1 recites, in part, a "executing the mobile agent in at least one of the set of places of a respective one of the stages." Application, claim 1. As mentioned above, Threadgill does not teach or suggest a mobile agent as defined in the Application. Moreover, the Applicant respectfully submits that Threadgill does not teach or suggest executing a mobile agent in stages, as recited in claim 1.

Claim 1 further recites, in part, a "evaluating in which place of the respective stage the mobile agent has been executed successfully."

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Application, claim 1. In rejecting claim 1, the Examiner cites col. 23, lines 40-50 of Threadgill as teaching the above-cited claim element. Office Action, paragraph 6.

The Applicant respectfully disagrees with the Examiner's conclusions and submits that Threadgill merely describes that SQL\*NET is used to return success indications and failure messages from the CMIS Oracle DMS. The success indications and failure messages, although not clearly specified, seem to refer to the successful or failed installation of a configuration. Thus, the cited passage in Threadgill does not teach or suggest evaluating in which place of the respective stage the mobile agent has been executed successfully.

Claim 1 also recites, in part, "agreeing on this place among the set of places." Application, claim 1. In rejecting claim 1, the Examiner cites col. 22, lines 10-30 of Threadgill as teaching the above-cited claim element. Office Action, paragraph 6. The Applicant cannot find any teaching or suggestion in the cited passage of Threadgill relating to agreeing on a place among a set of places.

Claim 1 recites, in part, "aborting and/or undoing any operation in connection with the mobile agent in any other place of the respective stage." Application, claim 1. In rejecting claim 1, the Examiner cites col. 45, lines 10-15 and col. 44, lines 65-67 of Threadgill as teaching the above-cited claim element. Office Action, paragraph 6. The Applicant respectfully submits that in Threadgill's approach, an abort is caused by an integrity violation in the configuration. This is not analogous to aborting any operation in connection with the mobile agent in any other place of the respective stage, as recited in claim 1.

Claim 1 additionally recites, in part, "moving a modified mobile agent resulting from the successful execution to the next stage." Application, claim 1. In rejecting claim 1, the Examiner cites col. 63, lines 35-40 and col. 64, lines 20-30 of Threadgill as teaching the above-cited claim element. Office Action, paragraph 6. The Applicant cannot find any teaching or suggestion in the cited passage of Threadgill relating to moving a modified mobile agent resulting from the successful execution to the next stage.

It is therefore respectfully submitted that since Threadgill does not teach every element of claim 1, the anticipation rejection under 35 USC §102

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of claim 1 should be withdrawn. The Applicant believes that claim 1 is allowable over Threadgill and such allowance is earnestly solicited.

Claims 2-9 and 13 are dependant on and further limit claim 1. Since claim 1 is believed allowable, claims 2-9 and 13 are also believed allowable for at least the same reasons as claim 1.

Claim 10 recites, in part, a "mobile agent" that travels through a network of computers and is executed in a sequence of stages. Application, claim 10. As discussed above, Threadgill does not teach or suggest an element analogous to the mobile agent recited in claim 10. It is respectfully submitted that since Threadgill does not teach every element of claim 10, the anticipation rejection under 35 USC §102 of claim 10 should be withdrawn. Furthermore, the Applicant believes that claim 10 is allowable over Threadgill and such allowance is earnestly solicited.

Claims 11 and 14 are dependant on and further limit claim 10. Since claim 10 is believed allowable, claims 11 and 14 are also believed allowable for at least the same reasons as claim 10.

Claim 12 recites, in part, a "mobile agent" that travels through a network of computers. Application, claim 12. As discussed above, Threadgill does not teach or suggest an element analogous to the mobile agent recited in claim 12. It is respectfully submitted that since Threadgill does not teach every element of claim 12, the anticipation rejection under 35 USC §102 of claim 12 should be withdrawn. Furthermore, the Applicant believes that claim 12 is allowable over Threadgill and such allowance is earnestly solicited.

Claim 15 is dependant on and further limits claim 12. Since claim 12 is believed allowable, claim 15 is also believed allowable for at least the same reasons as claim 12.

#### CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

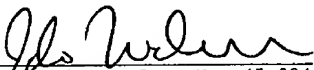
No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of

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time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

Dated: November 1, 2004

  
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